

R12-4-409. General Provisions and Penalties for Special Licenses

- A.** A special license is required when a person intends to conduct any activity using restricted live wildlife. Special licenses are listed as follows:
1. Aquatic wildlife stocking license, established under R12-4-410;
 2. Game bird license, established under R12-4-414;
 3. Live bait dealer's license, established under R12-4-411;
 4. Private game farm license, established under R12-4-413;
 5. Scientific collecting license, established under R12-4-418;
 6. Sport falconry license, established under R12-4-422;
 7. White amur stocking and holding license, established under R12-4-424;
 8. Wildlife holding license, established under R12-4-417;
 9. Wildlife rehabilitation license, established under R12-4-423;
 10. Wildlife service license, established under R12-4-421; and
 11. Zoo license, established under R12-4-420.
- B.** A person applying for a special license listed under subsection (A) shall:
- a. Submit an application to the Department meeting the specific application requirements established under the applicable governing Section.
 - i. Applications for special licenses are furnished by the Department and are available at any Department office and online at www.azgfd.gov.
 - ii. An application is required upon initial application for a special license and when renewing a special license.
 - b. Pay all applicable fees required under R12-4-412.
- C.** At the time of application, the person shall certify:
1. The information provided on the application is true and correct to the applicant's knowledge;
 2. The applicant shall comply with any municipal, county, state or federal code, ordinance, statute, regulation, or rule applicable to the license held; and
 3. The applicant's live wildlife privileges are not currently suspended or revoked in this state, any other state or territory, or by the United States.
- D.** A special license obtained by fraud or misrepresentation is invalid from the date of issuance.
- E.** The Department shall either grant or deny a special license within the applicable overall time-frame established for that special license under R12-4-106.
- F.** In addition to the criteria prescribed under the applicable governing Section, the Department shall deny a special license when:
1. The applicant's live wildlife privileges are revoked or suspended in this state, any other state, or by the United States;

2. The applicant was convicted of illegally holding or possessing live wildlife within five years preceding the date of application for the special license; or
 3. The applicant knowingly provides false information on an application.
 4. The Department shall deny a license to a person who fails to meet the requirements established under the applicable governing Section or this Section. The Department shall provide a written notice to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- G.** A special license holder may only engage in activities using federally-protected wildlife when the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license. A special license issued by the Department does not:
1. Exempt the license holder from any municipal, county, state or federal code, ordinance, statute, regulation, or rule; or
 2. Authorize the license holder to engage in any activity using wildlife that is protected by federal regulation.
- H.** The Department may place additional stipulations on a special license at the time of initial application or renewal when necessary to:
1. Conserve wildlife populations,
 2. Prevent the introduction and proliferation of wildlife diseases,
 3. Prevent wildlife from escaping, or
 4. Protect public health or safety.
- I.** A special license holder shall keep live wildlife in a facility according to the captivity standards prescribed under R12-4-428 or as otherwise required under this Article.
- J.** The Department may inspect a facility to verify compliance with all applicable requirements established under this Article.
- K.** A special license holder shall keep records in compliance with the requirements established under the governing Section and shall make the records available for inspection to the Department upon request.
- L.** The Department may conduct an inspection of an applicant's or license holder's facility at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
- M.** Upon determining a disease or other emergency condition exists that poses an immediate threat to the public or the welfare of any wildlife, the Department may immediately order a cessation of operations under the special license and, if necessary, order the humane disposition or quarantine of any contaminated or affected wildlife.
1. When directed by the Department, a special license holder shall:
 - a. Perform disease testing,
 - b. Submit biological samples to the Department or its designee,
 - c. Surrender the wildlife to the Department;
 - d. Quarantine the wildlife, or

- e. Humanely euthanize the wildlife.
- 2. The license holder shall:
 - a. Ensure any disease or other emergency condition under this subsection is diagnosed by a person professionally certified to make the diagnosis.
 - b. Be responsible for all costs associated with the testing and treatment of the contaminated and affected wildlife.
- N. If a condition exists, including disease or any violation of this Article, that poses a threat to the public or the welfare of any wildlife, but the threat does not constitute an emergency, the Department may issue a written notice of the condition to the special license holder specifying a reasonable period of time for the license holder to remedy the noticed condition. The notice of condition shall be delivered to the special license holder by certified mail or personal service.
 - 1. Failure of the license holder to remedy the noticed condition within the time specified by the Department is a violation under subsection (O).
 - 2. If a licensee receives three notices under this subsection for the same condition within a two-year period, the Department shall treat the third notice as a failure to remedy.
- O. A special license holder shall not:
 - 1. Violate any provision of the governing Section or this Section;
 - 2. Violate any provision of the special license that the person possesses, including any stipulations specified on the special license;
 - 3. Violate A.R.S. § 13-2908, relating to criminal nuisance;
 - 4. Violate A.R.S. § 13-2910, relating to cruelty to animals; or
 - 5. Refuse to allow the inspection of facilities, wildlife, or required records.
- P. The Department may take one or more of the following actions when a special license holder is convicted of a criminal offense involving cruelty to animals, violates subsection (N), or fails to comply with any requirement established under the governing Section or this Section:
 - 1. File criminal charges,
 - 2. Suspend or revoke a special license,
 - 3. Humanely dispose of the wildlife, or
 - 4. Seize or seize in place any wildlife held under a special license.
 - 5. A person may appeal to the Commission any Department action listed under this subsection as prescribed under A.R.S. Title 41, Chapter 6, Article 10, except the filing of criminal charges.
- Q. A special license holder who wishes to continue conducting activities authorized under the special license shall submit a renewal application to the Department on or before the special license expiration date.
 - 1. The current license will remain valid until the Department grants or denies the new special license.
 - 2. If the Department denies the renewal application and the license holder appeals the denial to the Commission as prescribed under subsection (F)(4), the license holder may continue to hold the wildlife until:

- a. The date on which the Commission makes its final decision on the appeal, or
 - b. The final date on which a person may request judicial review of the decision.
- 3. A special license holder who fails to submit a renewal application to the Department before the date the license expires, cannot lawfully possess any live wildlife currently possessed under the license.
- R.** If required by the governing Section, a special license holder shall submit an annual report to the Department before January 31 of each year for the previous calendar year. The report form is furnished by the Department.
 - 1. A report is required regardless of whether or not activities were performed during the previous year.
 - 2. The special license becomes invalid if the special license holder fails to submit the annual report by January 31 of each year.
 - 3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
 - 4. When the license holder is acting as a representative of an institution, organization, or agency for the purposes of the special license, the license holder shall submit the report required under subsection this Section:
 - a. By January 31 of each year the license holder is affiliated with the institution, organization, or agency;
or
 - b. Within 30 days of the date of termination of the license holder's affiliation with the institution, organization, or agency.